

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

MAJOR SEAN BARNETT,

Plaintiff, :

Case No. 3:25-cv-228

- vs -

District Judge Thomas M. Rose
Magistrate Judge Michael R. Merz

UNITED STATES AIR FORCE, et al.,

Defendants. :

**DECISION AND ORDER ON MOTION FOR EXPEDITED
CONSIDERATION**

This action, brought *pro se* by Plaintiff Sean Barnett, is before the Court on Plaintiff's Motion for Expedited Consideration (ECF No. 5). Barnett asserts this case should receive expedited consideration "because final administrative separation of Plaintiff is imminent." *Id.* at PageID 173. He does not define what he means by "imminent," nor point to any documentation evidencing the "final administrative separation." Although a great deal of documentation is attached to his Hybrid Complaint (ECF No. 1), a cursory scan reveals many dates in 2022 and 2023; no documentation at all is attached to his Motion for Temporary Restraining Order (ECF No. 3).

S. D. Ohio Civ. R. 65.1 provides in part:

**65.1 Temporary Restraining Orders and Preliminary
Injunctions**

(a) Procedure for Hearing. In most cases, the Court will not hear or rule on any motion for a temporary restraining order or a preliminary injunction until after the Court holds an informal preliminary conference with all parties to determine what additional proceedings are necessary. The movant shall obtain, from the office of the Judge to whom the action is assigned, a date and time for the informal conference and shall immediately notify counsel for the adverse party, if known, or if not known, the adverse party, that the application has been filed or is to be filed and the date, time, and location of the conference. The trial attorney shall also comply with the service requirements of subsection (b).

(b) Form of and Service of Motions. Motions for temporary restraining orders or preliminary injunctions shall be made in pleadings separate from the complaint and in accordance with this Rule. Motions shall be accompanied by a certificate of the trial attorney or other proof satisfactory to the Court that: (1) the motion and all other filings in the action have been served upon the adverse party's attorney, if known, or if not known, then the adverse party; (2) reasonable efforts to accomplish the service of the motion and other filings have been made; or (3) the reasons, in affidavit form, why such service cannot or need not be made or be required.

This Rule protects the due process rights of the Defendants and assures that the Court not proceed *ex parte* (i.e. without the participation of both sides).

Accordingly Plaintiff's Motion for Expedited Consideration is denied without prejudice to its renewal when accompanied by Plaintiff's affidavit of compliance.

The Clerk shall serve a copy of this Decision on the Acting United States Attorney for this District.

July 14, 2025.

s/ Michael R. Merz
United States Magistrate Judge